

J.

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# SUPREME COURT OF THE UNITED STATES

PENNSYLVANIA *v.* THOMAS A. BRUDER, JR.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPERIOR  
COURT OF PENNSYLVANIA, PHILADELPHIA OFFICE

No. 88-161. Decided October 31, 1988

JUSTICE MARSHALL, dissenting.

I agree with JUSTICE STEVENS that the Court should not disturb the decision of the court below, and accordingly I join his dissent. I write separately to note my continuing belief that it is unfair to litigants and damaging to the integrity and accuracy of this Court's decisions to reverse a decision summarily without the benefit of full briefing on the merits of the question decided. *Rhodes v. Stewart*, — U. S. —, — (1988) (MARSHALL, J., dissenting); *Buchanan v. Stanships*, 485 U. S. — (1988) (MARSHALL, J., dissenting); *Commissioner v. McCoy*, 484 U. S. —, — (1987) (MARSHALL, J., dissenting). I therefore dissent from the Court's decision today to reverse summarily the decision below.